

Chang, Lisa

Subject: "What's upstream" website: developing common talking points
Location: R10Sea-ConfLine (b) (6) and Peter's office
Start: Fri 12/18/2015 8:30 AM
End: Fri 12/18/2015 9:30 AM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: Chang, Lisa
Required Attendees: Castanon, Lisa; Wright, Garth; Murchie, Peter; Bill Zachmann; Bonifacino, Gina
Resources: R10Sea-ConfLineMM (b) (6)
Importance: High

Hi all,

Apologies for this early morning time slot; this was the only time Peter, Lisa Castanon, and Garth were all available at the same time. (b) (6) (b) (6) Others can meet in Peter's office on the northeast interior corner of 19.

At today's Puget Sound Team meeting, we agreed to meet to focus on the "Whatsupstream.com" website and start developing common talking points that OWW, WOO, and RA's office could use in communicating about this EPA-funded product.

I am attaching (1) a recent briefing we prepared for Dennis which has some "messaging" bullets at the end; and (2) a summary of an exchange I had with another EPA grantee, Skagit County Public Works, who was calling to express concern with the website.

Perhaps we can start from these materials in developing a set of bullets we can all use.

Lisa



Possible need for Final draft talking
follow-up: ... points, Wh...

Chang, Lisa

From: Chang, Lisa
Sent: Wednesday, December 16, 2015 10:22 AM
To: Murchie, Peter; Edmondson, Lucy
Cc: Zachmann, Bill; Rylko, Michael; Henszey, Jo; Bonifacino, Gina; Bonifaci, Angela
Subject: Possible need for follow-up: Call from Skagit County

Importance: High

Peter and Lucy,

I am wondering if either of you, or perhaps Dan, might give Dan Berentson from Skagit County Public Works a call to shore up relations with him. Dan is involved in the Clean Samish Initiative.

Dan called me yesterday late afternoon - he had called Bill Zachmann earlier as well, and Bill kindly put him through to me.

As Bill had reported earlier, Dan said that the "Whatsupstream.com" website raised concerns with him and people he works/interacts with for several reasons:

- 1) It seemed to be a lobbying effort supported by our funding
- 2) EPA seemed to be sending a mixed message - the website says voluntary approaches are insufficient, yet EPA is funding the Clean Samish Initiative which, in conjunction with Results WA and the Governor's office, is pursuing collaborative, voluntary efforts
- 3) Some of the "partners" listed on the "Whatsupstream.com" website are litigious and raises concerns and alarms in Dan's circles

Dan noted that it was Bill Dewey from Taylor Shellfish who forwarded him the "Whatsupstream.com" link.

Dan was interested in knowing more about the Tribal LO program under which the website was funded, and I will point him to our website (<http://www.epa.gov/puget-sound/current-work-funded-epa#tribal>) for information on the Tribal LO. I also tried to convey the following information over the phone:

- 1) The Tribal LO was one of seven LOs we funded beginning in 2010. NWIFC administers the Tribal LO program.
- 2) Each LO makes subawards under their program. For the Tribal LO, NWIFC makes subawards to tribes to implement activities in or consistent with the Action Agenda that are of high tribal priority.
- 3) The Swinomish tribe, in pursuing this project, cited the Skagit Chinook Recovery Plan, which is part of the Action Agenda, specifically noting that the SCRP calls for a vigorous public outreach campaign for the need to protect water quality and salmon habitat.
- 4) While NWIFC, as the LO, has primary responsibility for reviewing and approving subaward projects, EPA reviewed this project. With regard to lobbying, as the website targeted its messages at the state level, and since no specific piece of legislation, initiative, ballot measure, etc. is at issue, the website does not overstep grant lobbying restrictions.
- 5) As the disclaimer on the website indicates, the website doesn't necessarily reflect EPA's views or positions.

In Dan's view, the website may further erode the tenuous trust among entities in the Skagit Basin. He commented that he had just gotten off the phone with Jim Weber from NWIFC, who had been asking for data I believe on the Clean Samish Initiative, and Dan wondered why the Commission was looking for this data, and how it would be used.

Lisa

Chang, Lisa

From: Chang, Lisa
Sent: Monday, December 07, 2015 4:26 PM
To: Edmondson, Lucy
Cc: Murchie, Peter; Gockel, Catherine; Bonifacino, Gina; Bonifaci, Angela
Subject: Final draft talking points, What's Upstream

Hi Lucy,

Here are my final draft background/talking points on the Swinomish Tribe's "Whatsupstream.com." Please let me know if you need anything else.

Lisa

Briefing/Talking Points – Whatsupstream.com

Issue:

- A revised version of the Whatsupstream.com website went live on Thursday 12/3. Developed by the Swinomish Indian Tribal Community (SITC) under the NEP Tribal Lead Organization (LO) award, it spotlights nonpoint source agricultural pollution and is accompanied by social/media outreach driving traffic to the website.
- As anticipated, the website provides a link enabling readers to send letters to state legislators generally urging stronger regulation to protect water quality from agricultural NPS.
- R10/OWW had provided extensive input to SITC prior to website launch to ensure its factual accuracy and its alignment with the Action Agenda and Management Conference. Many, but not all, EPA comments were addressed.
- The final website will likely be controversial; an earlier version of the website which did not even include the letter to state legislators caused unease in the agricultural community in the Skagit Basin.

Background:

- In 2011 the Swinomish Tribe used NEP Tribal LO funding to launch a "public outreach" project to evaluate public perceptions of water quality in the Skagit Basin and conduct a public education effort to promote protective practices and regulation.
- As with the other LOs, NWIFC, which administers the Tribal LO, makes final decisions on subaward proposals and products, with EPA input.
- The project was clearly tied to the Skagit Chinook Recovery Plan (SCRCP) which like all Recovery Plans is a central component of the Puget Sound Action Agenda. For example, the SCRCP calls for "a vigorous public information effort, and by providing the technical information to assist landowners and others in their efforts to comply with existing regulations."
- The project has been approved and funded in 2011, 2012, 2013, 2014, and 2015 under the NWIFC. Under the Tribal LO, tribes must re-apply each year for funding and provide a workplan for the work they intend to do with each year of funding.
- Over the life of the project, as it has evolved, we have raised several key concerns.
 - First, we raised concerns with potential violations of anti-lobbying grant conditions. Based on discussions with ORC, we determined that the proposal did NOT violate anti-lobbying conditions.

- Second, in 2013, SITC proposed to add a local “ballot initiative” component to the project. Although ORC continued to find that the project did not violate anti-lobbying conditions, SITC decided to eliminate the ballot initiative component from the NEP-funded workplan.
- Third, and most recently (2015), SITC proposed to significantly increase the “public education” element of the project. In evaluating the draft outreach materials, we expressed concern that they appeared to negatively target a Management Conference sector and diverge from the spirit and substance of the Action Agenda and Management Conference.
- With respect to these 2015 concerns, Puget Sound team staff, in consultation with WRU, NPU, and ORC staff and OWW management, engaged in extensive discussions directly with SITC regarding the proposed content. We provided extensive specific comment and language to address our concerns with the content.

Messages:

- EPA has been aware of and provided extensive comment on this project. The Northwest Indian Fisheries Commission (NWIFC) is the grant administrator with direct oversight of this work. EPA has more limited ability to oversee and intervene with a subaward than if we directly oversee an award.
- As indicated on the website, while EPA funds were used to support development of the website, it does not necessarily reflect EPA views and policies.
- The purpose of the NEP Tribal LO program is to fund projects that are (1) in or consistent with the Puget Sound Action Agenda, and (2) are of high tribal priority. The project is intended to support an element of the Skagit Chinook Recovery Plan, which is an important part of the Puget Sound Action Agenda as well as a high priority to SITC. The intent of the project is thus consistent with the goals of the funding program.
- EPA continues to urge all entities who have an interest in the health of the Puget Sound ecosystem to work through the Puget Sound Management Conference to protect and restore the ecosystem.

From: Edmondson, Lucy
Sent: Friday, December 04, 2015 9:48 AM
To: Chang, Lisa <Chang.Lisa@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: ECY WQ Check in Meeting - information needed

Hi Lisa

ECY is holding a “water quality” check in meeting next Thursday (12/10). This meeting is mostly a roundtable discussion for principles (WA Conservation Commission, WA DFW, NRCS, PSP, WA Dept of Ag, NOAA and EPA).

Dennis and I will participate from EPA. (and possibly Dan O.)

Dan O suggested that Dennis could use some background on the Swinomish Tribe’s “What up stream. Com” campaign/program and that you could provide some background/talking points on that. Can you send me something by COB Monday?

Thanks

Lucy

Lucy Edmondson
Director, Washington Operations Office
US EPA Region 10
300 Desmond Drive
Lacey, WA 98503

office: 360.753.9082
cell: 206.735.5301